

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION

UNITED STATES OF AMERICA)
)
)
Plaintiff,)
)
v.) Case No. 21-CR-03016-BCW
)
)
PATRICIA ASHTON DERGES,)
)
Defendant.)

DEFENDANT'S MOTION TO CONTINUE

COMES NOW Defendant, by and through her counsel, and for her Motion to Continue in the above-styled cause, states to the Court as follows:

1. The present matter is set for trial commencing on August 16, 2021.
2. On August 5, 2021, the Government, by and through its Assistant United States Attorney of record herein, advised counsel for Defendant that Jan Pierce, a witness endorsed by the Government in the present cause, had sustained an emergent medical event of significance giving rise to his inability to testify. It is understood the medical condition involved is a stroke. Details relating to the medical condition of the witness are sparse except to the extent that it is understood the witness was intelligible on August 4, 2021 and showed some improvement, to an unknown and unspecified extent, on August 5, 2021.
3. The Government indicated a desire to move forward with the trial and had previously requested the stipulation of the Defendant to the entry of certain correspondence between the Defendant and the subject witness so as to obviate the need for the testimony of the subject witness to be elicited by the Government herein.

4. The Defendant, however, was not willing to so stipulate by virtue of the need to be able to vigorously cross-examine the subject witness, being an individual vital to the defense of the Defendant herein with respect to a number of the Counts charged in the present cause.

5. The subject witness is an essential witness to the Defendant.

6. The ability of the Government to circumvent the need for live testimony of the subject witness is uncertain.

7. Regardless of whether the Government is able to garner a ruling permitting the admissibility of certain documents previously thought to require the testimony of the subject witness, the Defendant requires the testimony of the subject witness as a material part of her defense herein.

8. As a result of the inability and unavailability of the subject witness, being witness number 23 on the Government's Witness List filed herein, the Defendant requests the removal of the present cause of action from the August 16, 2021 Trial Docket and the continuance of the present trial to a date deemed appropriate by the Court, with the understanding that both the Government and the Defendant's counsel have a host of other matters previously set for trial in Federal Court.

9. The Federal Court matters being addressed by the Defendant's counsel are pending in the U.S. District Court for the District of Columbia and involve Defendant's charges arise out of events occurring on January 6, 2021 at The Capitol.

10. Additionally, Defendant's counsel has been scheduled to commence a 2-week mediation for a case removed from the State Court in Missouri commencing in late-September, 2021.

11. This Motion is brought with the expressed consent of the Government.

Wherefore, Defendant prays this Honorable Court remove the present cause of action from the August 16, 2021 Docket and re-set same for trial as deemed appropriate by the Court.

KODNER WATKINS

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COUNSEL FOR DEFENDANT

CERTIFICATE OF SERVICE

Signature above is also certification that on August 9, 2021 a true and correct copy of the foregoing was electronically filed with the Clerk of the Court utilizing the CM/ECF system which will send notification of such filing to all parties of record.